

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

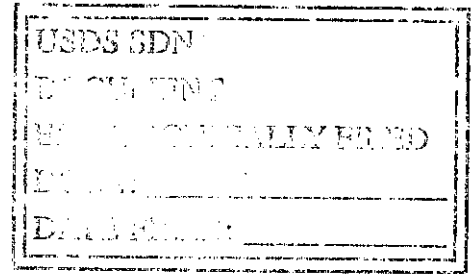
E-GLOBAL ALLIANCES, LLC,

Plaintiff,

-v-

ROBERT S. ANDERSON and E-TRUST
CLEARING HOUSE KB.,

Defendants.



Case No. 10-CV-2844 (KMK)(PED)

ORDER ADOPTING
REPORT & RECOMMENDATION

KENNETH M. KARAS, District Judge:

Plaintiff E-Global Alliances, LLC (“Plaintiff”) brings this action against Robert S. Anderson and E-Trust Clearing House KB (collectively, “Defendants”), asserting breach of contract, fraud, breach of fiduciary duty, breach of duty of good faith and fair dealing, conversion, and unjust enrichment. (Compl. ¶¶ 47-84 (Dkt. No. 1).) Plaintiff requested an accounting, compensatory and punitive damages, and injunctive and declaratory relief. The Court entered a default judgment in an amount to be determined at an inquest hearing on December 9, 2010, after Defendants failed to answer the Complaint or respond to the October 21, 2010 Order to Show Cause. (Dkt. No. 12.)¹ The Court referred the case to Magistrate Judge Paul E. Davison to conduct the damages inquest. (Dkt. No. 10.)

Magistrate Judge Davison completed the inquest, which included an analysis of both the Complaint and Plaintiff’s Proposed Findings of Fact and Proposed Conclusions of Law concerning damages, and issued a thorough Report and Recommendation (“R&R”) on May 11, 2011, recommending that this Court dismiss the Complaint without prejudice. (Dkt. No. 23.)

¹ There were also notable difficulties with effecting service on Defendants, as noted in the R&R and several letters from Plaintiff to the Court. (Dkt. Nos. 3-5.)

Magistrate Judge Davison concluded that the allegations in the Complaint did not support a finding of liability as to any of Plaintiff's causes of actions, and further, that Plaintiff failed to establish damages to a reasonable degree of certainty. (R&R 2.) Plaintiff has not filed any objections to the R&R.

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Miles v. Ercole*, No. 09-CV-1513, 2012 WL 1963361, at *1 (S.D.N.Y. May 31, 2012); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010). The Court has reviewed the R&R, the Complaint, and Plaintiff's Proposed Findings of Fact and Proposed Conclusions of Law, and finding no error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby


ORDERED that the Report and Recommendation, dated May 11, 2011, is ADOPTED in its entirety. It is further

ORDERED that Plaintiff's Complaint is dismissed without prejudice. It is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

DATED: White Plains, New York
August 25, 2012


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

Service List (via ECF):

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Honorable Paul E. Davison
United States Magistrate Judge